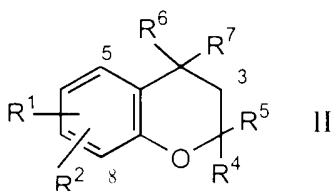Rejections Under 35 U.S.C. §102(b)

The pending claims (4-7 and 38-49) were rejected as being anticipated by **Jennings** *et al.* (Reference CG on Applicants' Supplemental Form PTO1449) and by USP 5,268,386 and its EP counterpart, 0 415 566 A1 (collectively, "**Harada** *et al.*").

According to the Action, **Jennings** anticipates the present claims based upon the disclosure at page 1733 of compound 20. As stated by the Examiner, "Jennings *et al.* does discloses [*sic*] a compound of the claimed invention, . . . at **page 1733, col. 2, line 27,** *i.e.,* **which defines a** compound wherein, $R^1 = R^3 = OH$ **and** $R^2 = R^4 = H$."

With respect to **Harada**, the Examiner relies upon compounds V (EP cite page 3:45-50 / US cite column 4:15-20), VI (EP cite page 4:40-45 / US cite column 4:55-60), and I' (EP cite page 6:20-25 / US cite column 6:50-55). Applicants respectfully traverse each of the rejections.

Of the rejected claims, claims 4, 40, 42 and 46 are independent, and each defines various embodiments of generic formula II:

Correlating Applicants' formula to the generic formula of **Jennings** compound 20:

Applicants'	Jennings	Jennings compound 20
R^1 or R^2	R^1	OH
R^6 or R^7	R^3	OH
R^1 or R^2	R^2	H
H	R^4	H

Referring now to each of Applicants' independent claims:

Claim 4:   this claim specifically excludes compounds wherein R^1/R^2 are H/OH <u>and</u> R^6/R^7 are H/OH;

Claim 40:   this claim does not allow either of R^1 or R^2 to be OH;

Claim 42:   as with claim 4, this claim specifically excludes compounds wherein R^1/R^2 are H/OH <u>and</u> R^6/R^7 are H/OH; and

Claim 46:   as with claim 40, this claim does not allow either of R^1 or R^2 to be OH.

Thus, as none of Applicants' independent claims read on **Jennings** compound 20, the reference does not anticipate them. Moreover, because each of Applicants' dependent claims include all of the limitations of the associated base claim, neither are they anticipated.

Correlating Applicants' formula to generic formula I of **Harada** (which encompasses each of compounds V, VI and I'):

Applicants'	**Harada**	**Harada**
R^1	$-ZACO_2R^-$	can be -OH or $-OCH_2CO_2H$
R^2	R^4	can be H
R^4	R^1 or R^2	can be H or lower alkyl
R^5	R^1 or R^2	can be H or lower alkyl
R^6 / R^7	B	R^6 / R^- <u>must be taken together</u>, and according to every example is =O.

Referring now to each of Applicants' independent claims:
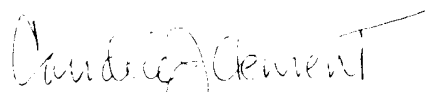
Claim 4:   =O is not a choice for R^6 / R^7 when taken together;

Claim 40:   as with claim 4, =O is not a choice for R^6 / R^7 when taken together;

Claim 42:   this claim specifically excludes compounds wherein R^6 / R^7 taken together are =O, when R^1 / R^2 are H   OH and when R^1 is $-OCH_2CO_2H$, R^4 and R^5 are both -H or methyl; and

Claim 46:   -OH or $-OCH_2CO_2H$ are not choices for R^1.

Thus, as none of Applicants' independent claims read on **Harada** generic formula I (which encompasses each of compounds V, VI and I' cited by the Examiner), the reference does not anticipate them. Moreover, because each of Applicants' dependent claims include all of the limitations of the associated base claim, neither are they anticipated.

As none of the embodiments of Applicants' formula I (as defined in any of Applicants' independent claims) read on any compounds disclosed in either **Jennings**, **Harada** (EP 0 415 566 A1) or **Harada** (USP 5,268,386), the references do not anticipate the rejected claims and Applicants respectfully request that the rejections under §102(b) be withdrawn.

There being no further outstanding issues, the application (including claims 4-7 and 38-49) is believed in condition for allowance and such action is courteously requested.

Respectfully submitted,

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